

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Case Nos. 16-CA-296159, 16-CA-296622, 16-CA-297588,
16-CA-297947, 16-CA-302607 & 16-CA-300212

STARBUCKS CORPORATION,

and

WORKERS UNITED, affiliated with SERVICE EMPLOYEES
INTERNATIONAL UNION.

Place: Fort Worth, Texas
Date: January 9, 2023
Pages: 1 through 29
Volume: 1 of 1

OFFICIAL REPORTERS

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1 UNITED STATES OF AMERICA
2 BEFORE THE NATIONAL LABOR RELATIONS BOARD
3 REGION 16
4

5 In the Matter of:

6
7 STARBUCKS CORPORATION,
8

9
10 and

11
12
13 WORKERS UNITED, affiliated with
14 SERVICE EMPLOYEES INTERNATIONAL
15 UNION.

Case No 16-CA-296159
16-CA-296622
16-CA-297588
16-CA-297947
16-CA-302607
16-CA-300212

16
17 The above-titled matter came on for hearing
18 pursuant to Notice, before the HONORABLE JUDGE ANDREW S.
19 GOLLIN, at the National Labor Relations Board, 819
20 Taylor Street, Fort Worth Texas, on Monday, January 9,
21 2023, at 9:22 a.m., Central.

A P P E A R A N C E S

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(Continued)

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A P P E A R A N C E S

(Continued)

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E X H I B I T S

EXHIBITS **FOR IDENTIFICATION** **IN EVIDENCE**

GENERAL COUNSEL

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ALJ

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P R O C E E D I N G S

[9:22 a.m. Central]

1 JUDGE ANDREW S. GOLLIN: We can go on the record.

2 This is a formal hearing before the National Labor
3 Relations Board in Starbucks Corporation, Case 16-CA-
4 296159, et al.

5 The Administrative Law Judge presiding as Andrew S.
6 Gollin. G-O-L-L-I-N. I'm assigned to the Washington,
7 D.C. Division of Judges.

8 Any written Motions, Position Statements, or other
9 communications during the hearing should be addressed to
10 that office and also should be copied on me directly so
11 that I get them more quickly.

12 And I'm going to begin by asking the parties to
13 please state their appearances for the record, starting
14 with the General Counsel.

15 MS. MILLER: Maxie Miller for the General Counsel.

16 MR. AGUIRRE: Alberto Aguirre, General Counsel.

17 JUDGE GOLLIN: All right, and you've got a third.

18 MS. MILLER: Not in the room.

19 JUDGE GOLLIN: Just...

20 MS. MILLER: Rachel Jackson for the General
21 Counsel.

22 JUDGE GOLLIN: All right, and Charging Party?

23 MR. QUINTO-POZOS: Manuel Quinto-Pozos. Would you

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1 like me to spell that?

2 JUDGE GOLLIN: Yes, please.

3 MR. QUINTO-POZOS: Last name is hyphenated. Q-U-I-
4 N-T-O, hyphen, P-O-Z-O-S. Attorney for the Charging
5 Party.

6 JUDGE GOLLIN: Okay. Respondent?

7 MS. MEYER: Arrissa Meyer for Starbucks
8 Corporation.

9 MR. RAHHAL: Steve Rahhal. R-A-two H's-A-L. For
10 Starbucks Corporation.

11 MS. PLOOF: Amanda Ploof for Starbucks Corporation.

12 MR. GOLLIN: All right. Thank you all.

13 And we've had some discussions off the record as it
14 relates to settlements in this case. There are
15 documents that will come in as part of the Formal Papers
16 involving a proposed Consent Order that has been
17 proposed by Respondent and objected to by the General
18 Counsel and the Charging Party and we will address that
19 on the record after Respondent has had time to make some
20 evaluations.

21 And at this point, I'm going to request the General
22 Counsel offer the Formal Papers into evidence.

23 MS. MILLER: Yes, Your Honor. So I offer into
24 evidence the Formal Papers in this case. They've been
25 marked for identification as General Counsel's Exhibit

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1 1(a) through 1(mm) with 1(mm) being an index and
2 description of the exhibits. This exhibit has been
3 shown to the parties and a copy of the index and
4 description has been given to the parties.

5 **(General Counsel's Exhibits 1(a) through 1(mm), marked**
6 **for identification.)**

7 JUDGE GOLLIN: All right. Any objection to the
8 General Counsel's Exhibit 1, Charging Party?

9 MR. QUINTO-POZOS: No.

10 JUDGE GOLLIN: Respondent?

11 MS. MEYER: No objection.

12 JUDGE GOLLIN: All right. So General Counsel's
13 1(a) through (mm) is received.

14 **(General Counsel's Exhibits 1(a) through 1(mm), received**
15 **into evidence.)**

16 It's my understanding, however, that the General
17 Counsel will move to amend the Formal Papers to include
18 the Motion from Respondent for a Consent Order and the
19 General Counsel's opposition, as well as the Charging
20 Party's opposition, and the reply from Respondent to
21 that opposition so that those can be made part of the
22 Formal Papers. I believe that would be the appropriate
23 course as the Motions that are seeking an Order from me.

24 Is that also your understanding, General Counsel,
25 as it relates to your intent to move to amend?

1 MS. MILLER: Yes, Your Honor. We are preparing to
2 add those in and then amend the formal exhibits at that
3 time.

4 JUDGE GOLLIN: All right, and I'm assuming Charging
5 Party, you have no objection to that?

6 MR. QUINTO-POZOS: No, Your Honor.

7 JUDGE GOLLIN: Respondent, you have no objection to
8 that?

9 MS. MEYER: No objection.

10 JUDGE GOLLIN: Obviously, make sure that everyone
11 is sharing the documents so that we are all clear in
12 what they are, but that would seem to me that we would
13 have -- I think that would put us at IQQ if I'm right
14 with the math, but you'll let me know if I'm wrong.

15 All right. We also had a number of subpoenas in
16 this case that were issued. I had preliminary
17 discussions with the parties last week as it relates to
18 those subpoenas and the Petitions to Revoke that were
19 filed.

20 It is my understanding that the General Counsel's
21 subpoena to Respondent for documents, the parties were
22 able to largely resolve those issues. However, there
23 were two items that were not resolved and my question
24 now is to both General Counsel and Respondent as to
25 whether or not they would like for me to make a ruling

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1 on the record as it relates to those and if so, do you
2 have copies of the subpoenas and the related oppositions
3 to be exhibits for that purpose, General Counsel?

4 MS. MILLER: We would like a ruling on the record,
5 Your Honor, and we can include those in the Formal
6 Papers as well.

7 JUDGE GOLLIN: All right. I don't think they would
8 be part of the Formal Papers. They don't need to be
9 part of the Formal Papers.

10 MS. MILLER: Okay.

11 JUDGE GOLLIN: But they need to be -- you know,
12 they can be Joint Exhibits. They can be GC Exhibits.
13 Because this is a situation -- the Respondent's got to
14 also weigh in it because there's going to be rulings
15 that are adverse to them and my understanding of the
16 rules is they've got to decide whether or not they want
17 them part of the record.

18 If I'm going to make a ruling on the record, which
19 I'm going to do, they need to be part of the or they
20 need to be part of an exhibit. So you can all figure
21 out how you want that to be.

22 Respondent, do you have a position? Not
23 substantively about the subpoena items, but as far as
24 having the underlying documents be marked as exhibits
25 because you're seeking an Order from a ruling from me as

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1 it relates to it.

2 MS. MEYER: We can make them Joint Exhibits. We
3 have already prenumbered other Joint Exhibits for the
4 hearing, but...

5 JUDGE GOLLIN: You can always tack them on at the
6 end. That's fine with me.

7 So yeah. So what I want to figure out is figure
8 out what the Joint Exhibits -- whatever numbers they are
9 so that I can be referring to them and if we need to
10 move forward -- I'm going to wait to give you time to
11 get that compiled, figure out the other issues, and I'm
12 going to make a ruling as it relates to three and four,
13 but I want to have those documents in hand so I can be
14 referring to them on the record and everyone is clear
15 about what I'm talking about. So we can do that also
16 during the break.

17 My understanding also is that there were subpoenas
18 issued by Respondent to the Charging Party. There were
19 issues -- there were subpoenas issued to, by the
20 Respondent to the General Counsel. It's my
21 understanding that those have been resolved. Charging
22 Party and the Respondent have worked out an
23 understanding as it relates to what needs to be produced
24 regarding the documents that Respondent subpoenaed from
25 Mx. Drummond, as well as the Union itself. Is that

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1 correct?

2 MR. QUINTO-POZOS: And as to a number of maybe
3 three or four other employees. That is correct.

4 JUDGE GOLLIN: Okay. Well, yes. So my point of
5 this is is that the parties have resolved the issues
6 they have as it relates to those items?

7 MR. QUINTO-POZOS: That is the Union's position.
8 Yes.

9 JUDGE GOLLIN: All right. Respondent?

10 MS. MEYER: That is correct.

11 JUDGE GOLLIN: Okay. All right. So we're going to
12 -- it's my understanding that the documents that were
13 produced by Respondent to the General Counsel. There's
14 an issue about their being received today. I know that
15 there was an effort made this morning to send them.
16 There's an issue, so we're going to break to make sure
17 that those documents are provided to give the General
18 Counsel an opportunity to begin reviewing those to have
19 the General Counsel and Respondent work out how they
20 want to handle the subpoena issues concerning the duces
21 tecum sent by the General Counsel to Respondent and my
22 ruling or presenting them to me for a ruling on the
23 record and also to give Respondent an opportunity to
24 evaluate the settlement position.

25 So we are going to break. What I'd like -- I'd

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1 like a check in in about 20 minutes to 30 minutes to let
2 me know where we're at. That's not -- I understand
3 Respondent or General Counsel is going to need a little
4 bit of time to review the documents, but I want to check
5 in as to where we are with these issues to figure out
6 how we're going to move forward from that point.

7 All right. Anything else that anyone needs to
8 raise? General Counsel?

9 MS. MILLER: No, Your Honor.

10 JUDGE GOLLIN: Charging Party?

11 MR. QUINTO-POZOS: No, Your Honor.

12 JUDGE GOLLIN: Respondent?

13 MS. MILLER: No, Your Honor.

14 JUDGE GOLLIN: All right. So let's go off the
15 record and you'll check in with me at 11:00. All right.
16 Let's go off the record.

17 *[Off the record]*

18 JUDGE GOLLIN: All right. We're back on the
19 record. We've had a lengthy delay to allow the parties
20 to address issues as it relates to subpoena and
21 production of documents, as well as for Respondent to
22 have an opportunity to confer with the client with
23 regards to the terms or revised terms of a potential
24 settlement.

25 Respondent, it's my understanding that you made

1 modifications to the proposed informal settlement
2 agreement and have provided those to the General Counsel
3 and to the Charging Party; is that correct?

4 MS. MEYER: That is correct, Your Honor.

5 JUDGE GOLLIN: Okay, and the document has been
6 provided to me as well and the Court Reporter and I'm
7 going to mark it as ALJ 1.

8 **(Administrative Law Judge Exhibit 1, marked for**
9 **identification.)**

10 And while the document -- I'm going to take a step
11 back.

12 Also, during the break, the General Counsel
13 submitted a revised set of Formal Papers, which added
14 the, a number of documents related to Respondent's
15 Motion for a Consent Order Proving Proposed Settlement
16 and that's GC Exhibit 1(mm) and subsequent, there are
17 Respondent's Amended Motion for Consent to Order the
18 General Counsel's Response and Opposition, the Charging
19 Party's Response and Opposition, and then Respondent's
20 Reply and Support of its Amended Motion.

21 So just for the record to be clear, the Formal
22 Papers are now GC Exhibit 1(a) through 1(rr), with 1(rr)
23 being the index and description of formal documents. Is
24 that correct, General Counsel?

25 **(General Counsel 1(a) through 1(rr), marked for**

1 **identification.)**

2 MS. MILLER: Yes, Your Honor.

3 JUDGE GOLLIN: All right, and any objection to the
4 Revised Formal Papers, Charging Party?

5 MR. QUINTO-POZOS: No, Your Honor.

6 JUDGE GOLLIN: Respondent, any objection to the
7 Revised Formal Papers?

8 MS. MEYER: No objection.

9 **(General Counsel's Exhibits 1(a) through 1(rr) received**
10 **into evidence.)**

11 JUDGE GOLLIN: Okay. All right, and while ALJ 1
12 obviously will speak for itself, Respondent, could you
13 highlight for me the revised or the changes made in the
14 document, as well as the current state of Respondent's
15 position as to why the settlement should be accepted?

16 MS. MEYER: Sure.

17 So the changes that are included in the revised
18 proposal that we've provided include deletion of any
19 language referring to the Waiver of Reinstatement. We
20 have also updated the backpay and expenses total to
21 reflect the discriminatees amount of backpay and
22 expenses up through today.

23 JUDGE GOLLIN: And that's -- sorry to interrupt
24 you.

25 That's based on the information you've received

1 from the General Counsel?

2 MS. MEYER: Based on the information we received
3 from the General Counsel.

4 JUDGE GOLLIN: All right, and General Counsel, just
5 so I'm clear, the backpay figures that you've proposed
6 include interest, as well as any damages or expenses
7 tied to the Board's decision...

8 MS. MILLER: Yes, Your Honor. That's correct.

9 JUDGE GOLLIN: Okay.

10 MS. MEYER: And then, we have also updated the
11 notice that would be posted at the Quincy Street store
12 to reflect that Respondent will offer Atticus Drummond
13 full reinstatement to their former job. If that job no
14 longer exists to a substantially equivalent position
15 without prejudice to their seniority or any other rights
16 or privileges previously enjoyed.

17 JUDGE GOLLIN: All right. Okay, and am I correct
18 in understanding the Charging Party, you are not willing
19 to enter into the settlement agreement?

20 MR. QUINTO-POZOS: That is correct, Your Honor.

21 JUDGE GOLLIN: You want to articulate for me your
22 position why not?

23 MR. QUINTO-POZOS: Your Honor, the Charging Party's
24 position echoes what we understand the General Counsel's
25 position to be, which is that inserting non-admissions

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1 language into the settlement agreement, as the current
2 form of the settlement agreement does, as well as
3 deletion of the proposed default language is against the
4 policy of the General Counsel.

5 We believe that under the factors of independent
6 stave, as already described in the Charging Party's
7 opposition, continue to counsel against entry of a
8 unilateral settlement.

9 JUDGE GOLLIN: Okay.

10 MR. QUINTO-POZOS: And I mean, I'd be happy to tell
11 you what those are, but they are, I think, adequately
12 described in the written opposition.

13 JUDGE GOLLIN: Okay. I mean, obviously, your
14 written opposition, as well as the General Counsel's
15 written opposition and Respondent's Motion for Consent
16 articulate the arguments and I certainly don't need
17 people to repeat them. They're part of the record.

18 I'm simply asking, in light of the revision and so
19 my understanding, the key revision from the proposed
20 settlement that was previously submitted to me as part
21 of the Respondent's motion and presented to the General
22 Counsel and the Charging Party. The key change is that
23 rather than seeking a Waiver of Reinstatement from Mx.
24 Drummond, there is an offer for reinstatement as
25 articulated by Respondent's Counsel and based upon that

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1 revision, what I'm hearing you say is that the Charging
2 Party's position remains the same and that because the
3 non-admissions language continues to exist and because
4 the default language does not contain therein. Your
5 position remains the same as why you were not agreeable
6 and why you believe that I should not approve it; is
7 that correct?

8 MR. QUINTO-POZOS: That is correct, Your Honor.

9 JUDGE GOLLIN: Okay. General Counsel, is it the
10 General Counsel's position and is the General Counsel
11 willing to enter into the settlement, which has been
12 presented by Respondent and has been marked as ALJ 1?

13 MS. MILLER: No, Your Honor. The General Counsel
14 is not willing to enter into the settlement. I can
15 provide reasons for our objection now or...

16 JUDGE GOLLIN: So I guess, just like I said with
17 Charging Party, if your position is the same as what
18 you've articulated in writing that are now part of the
19 Formal Papers, I will take that and certainly,
20 obviously, I've reviewed them. If there's anything you
21 want to add specifically as it relates to with the
22 revision that Respondent has set forth, including the
23 offer of reinstatement or anything different that you
24 want to note as far as why the General Counsel is not in
25 agreement and why the General Counsel believes I should

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1 not approve this, certainly feel free to raise those.

2 MS. MILLER: Yes, Your Honor.

3 So despite the change allowing for reinstatement,
4 the General Counsel still feels that this proposed
5 settlement is not reasonable under independent state for
6 the reasons articulated in the brief and in addition,
7 the General Counsel -- first of all, there are several
8 significant policy issues that support, including
9 default language, two of which are cost savings and the
10 efficient administration of remedial relief. In the
11 event of breach of the settlement agreement containing
12 the default language, it will not be necessary to
13 litigate a settled issue and remedial relief will not be
14 delayed.

15 Further, the default language also provides
16 Respondent with an opportunity to cure its breach before
17 the Region proceeds, thereby effectuating the act.

18 Secondly, beyond providing for cost savings and
19 speeding up remedial relief, the default language
20 ideally will serve to reduce the chances of a breach in
21 the first place. Without the default language in place,
22 it is less likely that Respondent will make a diligent
23 effort to avoid violating the act in the future, such as
24 training managers fairly to respect employees' Section 7
25 rights, rather than encouraging them to push beyond the

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1 limits of Employer free speech in Section 8(c).

2 Lastly, Respondent -- General Counsel feels
3 Respondent has not provided compelling reason for
4 failing to include default language and a settlement
5 agreement.

6 The NLRB's remedial authority is sometimes deemed
7 inadequate and the default language is a necessary step
8 to addressing that perceived problem and improving the
9 settlement agreement. Approving the settlement
10 agreement without the default language will undercut the
11 Agency's efforts to ensure that Respondent respects the
12 Agency's admission and employee rights.

13 Additionally, General Counsel wants to also put
14 specific emphasis on Texas Trans Eastern, which the
15 Board released a decision on December 8th of 2022, which
16 emphasized the General Counsel's opposition to the
17 settlement being an important consideration weighing
18 against accepting settlements. In that case, to
19 overturn the Judge's decision to accept a settlement
20 without General Counsel's agreement.

21 JUDGE GOLLIN: And this was Judge Ringler's
22 decision?

23 MS. MILLER: Yes, Your Honor.

24 JUDGE GOLLIN: Okay, and that was a non-board
25 settlement, correct?

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1 MS. MILLER: That's correct, Your Honor.

2 JUDGE GOLLIN: There's not an informal settlement
3 that did not provide for a notice provision and
4 reinstatement of backpay for the individual involved,
5 correct?

6 MS. MILLER: That's correct, Your Honor.

7 JUDGE GOLLIN: So you note that those are
8 differences from the current case, correct?

9 MS. MILLER: Yes, Your Honor.

10 So the emphasis here would be on the Board's
11 emphasis on the General Counsel's opposition to
12 settlement being a highly weighed favor of determining
13 whether or not approving the settlement agreement is
14 appropriate and so for these reasons, the General
15 Counsel would object to approval of the settlement
16 agreement that lacks the default language, includes non-
17 admissions, and, you know, fails to fully take into
18 account General Counsel's position on those items.

19 JUDGE GOLLIN: Okay, and is it the General
20 Counsel's position to, if I approve the settlement, to
21 take a Special Appeal of my approval of the settlement?

22 MS. MILLER: Yes, Your Honor. That is something
23 that the General Counsel would be considering doing.

24 JUDGE GOLLIN: And could you provide a timeframe as
25 it relates to effectuation of the terms of the

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1 settlement as to when the General Counsel will make that
2 determination?

3 MS. MILLER: The General Counsel should have that
4 determination by end of day today or early tomorrow. In
5 terms of filing the Special Appeal, we plan to do that
6 as expeditiously as possible.

7 JUDGE GOLLIN: Okay. All right.

8 Well, I have reviewed the filings and I'll say
9 this. Respondent, based upon the Charging Party and the
10 General Counsel's position, which has not changed, I'm
11 assuming you maintain your position seeking me to issue
12 a Consent Order approving the terms of the settlement
13 agreement you've outlined; is that correct?

14 MS. MEYER: We do, Your Honor.

15 JUDGE GOLLIN: All right. Well, a couple things
16 that I would like to point out.

17 From the outset, I appreciate the parties' efforts
18 at having settlement discussions and trying to resolve
19 the settlement. I appreciate the movement that clearly
20 appears to have occurred.

21 Unfortunately, the movement has not been able to
22 result in a bilateral settlement, which is
23 disappointing, but I understand that there are policy
24 considerations that the parties have and are making, but
25 my position and my responsibility is separate and

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1 distinct from those.

2 I will note under the Board's rules and regulations
3 that under 101.8, which deals with the issuance of
4 Complaints, it states that if a charge appears to have
5 merit, the Regional Director will institute formal
6 action by issuance of a Complaint and Notice of Hearing
7 and 101.10 states the hearing occurs and General Counsel
8 has the burden of proving the violations of the Act and
9 under 101.11, the Judge issues a Finding of Fact and
10 Conclusions of Law regarding those allegations, and
11 under 101.12, there are procedures outlined for the
12 parties to appeal or take exception of the Judge's
13 determination regarding those issues. My point with
14 this is the Regional Director and the General Counsel
15 have a role and their role is to issue a Complaint based
16 upon receipt of charge, in which there appears to be
17 merit to claims of unfair labor practices.

18 That determination is not a finding of a violation.
19 That is distinct and important and I think a fact that
20 has been forgotten. There are procedures once
21 allegations are made. The allegations in of themselves
22 are not findings and are not controlling.

23 So you look at the situations and these
24 responsibilities and you evaluate whether or not the
25 terms that are being articulated are fair under the

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1 circumstances and as I've stated, I have reviewed the
2 filings set forth by the filings and one of the cases
3 cited by the parties, particularly the General Counsel
4 and the Charging Party is Bodega Latina Corporation,
5 doing business as El Super, and it's an unpublished
6 Board decision and the citation to it is not to the
7 majority order, which determined that the settlement
8 proposed by the Respondent, which similar to this case,
9 contained a non-admissions clause and did not provide
10 for a default language.

11 There is a dissent by then Member McFerrin, who is
12 now the Chair, citing to those two points as why she did
13 not believe that the settlement should've been approved
14 and concluding that the ALJ had abused their discretion.

15 I would state I've reviewed that decision and note
16 there are a number of distinguishing facts as it relates
17 to that and that is there have been or there have been
18 in that case a number of prior settlements and Consent
19 Orders, which are alleged to have been violated by the
20 Employer in that case, which was a fact that the dissent
21 noted in why she believed the lack of default was so
22 egregious under the circumstances.

23 Those facts do not appear to exist in this case.
24 There has been no assertion raised to me that there was
25 a prior settlement agreement that Respondent has entered

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1 into with this Region, in which they have violated the
2 terms. There are no other Board decisions involving
3 this Employer and this Region involving the same or
4 similar allegations.

5 I understand that there are a number of ALJ
6 decisions in which the ALJ found violations against
7 Respondent, but those findings are pending at the Board
8 and therefore are not controlling. They also do not
9 involve, as far as I can see, any allegations involving
10 this particular Region and the stores at issue.

11 So in evaluating Consent Orders, the Board applies
12 the following four factors from independent stave and
13 that's I-N-D-E-P-E-N-D-E-N-T, S-T-A-V-E, Company 287
14 NLRB 740(1987). The factors are whether the Charging
15 Party, Respondent, and any individual discriminatees
16 have agreed to be bound and the positions taken by the
17 General Counsel.

18 Two, whether the settlement is reasonable in light
19 of the nature of the violations alleged. The risks
20 inherent of litigation in the stage of the litigation.

21 Three, whether there has been any fraud, coercion,
22 or duress by any of the parties in reaching the
23 settlement, and four, whether the Respondent is engaged
24 in a history of violations of the Act or has breached
25 previous settlement agreements resolving unfair labor

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1 practices.

2 In UPMC 365 NLRB No. 153(2017) Decision, the Board
3 reviewed these factors and considered and concluded that
4 while the position of the General Counsel and the
5 Charging Party is important, it is not controlling and
6 certainly is not dispositive.

7 So in this case, it would be considered to be a
8 neutral factor because of the Charging Party and General
9 Counsel's position opposing it. The second factor,
10 which deals with reasonableness, is and rightly so the
11 most important consideration when evaluating a Consent
12 Order and I find the proposed resolution here to be
13 reasonable in light of the nature of the violations
14 alleged and risks of inherent litigation and the stage
15 of the litigation.

16 We are here on the first day of trial that is
17 expected to take the remainder of this week, as well as
18 the following week, in three different cities, involving
19 a number of employees and a number of managerial
20 witnesses.

21 There is significant risk inherent in the
22 litigation. Certainly, there is the potential that the
23 General Counsel could prevail in all the allegations.
24 They could prevail in some of the allegations. They
25 could prevail in none of the allegations and there is an

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1 individual who is alleged to have been discriminatorily
2 discharged, whose fate would be waiting in the balance
3 if the matter were to proceed to litigation.

4 The settlement addresses those concerns by
5 providing them with an offer of reinstatement with full
6 backpay, plus interest, as well as any other damages, at
7 a time and a certainty that I think is important.

8 The settlement provides for a notice of posting a
9 cease and desist, as well as other affirmative actions
10 that fully remedy the 81 and 83 violations alleged and I
11 find the proposed arrangement reasonable given the risks
12 inherent in litigation and the fact that no witnesses
13 have yet been called to testify. So I think that the
14 second factor weighs heavily in favor of the settlement
15 being appropriate.

16 The third factor also weighs in favor of approving
17 the Consent Order as that there's been no evidence or
18 even any argument alleged of fraud, coercion, or duress.

19 Finally, as for the fourth factor, I think I've
20 already stated. The General Counsel asserts that there
21 have been prior findings by Administrative Law Judges
22 against Respondent, but there is no Board determination
23 and there has been no argument or evidence presented to
24 me that Respondent has violated prior settlement
25 agreements. So I find that the fourth factor also

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1 weighs in favor of approving the Consent Order.

2 So in conclusion, based upon my review of the
3 independent stave factors, the first factor is
4 inconclusive. The second, third, and fourth factors
5 weigh in favor of approval of the Consent Order.

6 Therefore, in light of the totality of the
7 circumstances and specifically considering the factors
8 set forth in independent stave, I will approve the
9 Consent Order pursuant to the Board's rules and
10 regulations, Section 102.26.

11 Any party aggrieved by this ruling may apply for
12 special permission to appeal to the Board. The parties
13 are reminded that any such request of approval must be
14 served upon the other parties and the Administrative Law
15 Judge.

16 I hereby approve the ALJ 1, which is the Proposed
17 Settlement Agreement, which I will characterize as the
18 Consent Order in the cases cited therein.

19 **(Administrative Law Judge's 1, received into evidence.)**

20 And with nothing further, that is my ruling. We
21 can go off the record.

22 ***[Whereupon, the hearing was closed at 12:23 p.m.***

23 ***Central.]***

24

25

CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), in the matter of **STARBUCKS CORPORATION** and **WORKER'S UNITED, affiliated with SERVICE EMPLOYEES INTERNATIONAL UNION, Case Nos. 16-CA-296159, 16-CA-296622, 16-CA-297588, 16-CA-297947, 16-CA-302607, and 16-CA-300212**, on Monday, 9th day of January, 2023, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

David Molinaro

David Molinaro, Official Reporter

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